

Amendment

U.S. Patent Application No. 10/849,526

REMARKS

Claims 18 – 31 are now pending in the subject application.

Original claims 1 – 17, all of which stand rejected, have been canceled and new claims 18 – 31 have been added herewith. Support for the amended claims and new claims can be found throughout the specification. Favorable reconsideration of the application and allowance of all of the pending claims are respectfully requested in view of the above amendments and the following remarks.

In response to the objection to the Abstract, a new Abstract has been submitted herewith.

The specification has been amended to correct typographical errors.

The objections to the claims have been obviated by the cancellation of all of the original claims.

Claim Rejections – 35 U.S.C. §102

Original claim 1 was rejected under 35 U.S.C. §102(e) as being anticipated by Kim (2003/0176819). Claim 1 has been cancelled. Claims 18 – 31 distinguish over Kim for the reasons set forth below.

New independent claim 18 recites at least the following features that are not disclosed by Kim:

A frame having two sections that are hinged together to permit the sections to be folded together;

A pad suitable to support the upper torso of a patient;

A plurality of rollers for supporting the lower torso of the patient;

A foot support platform for supporting and securing the feet of the patient;

The details of the recited foot support platform.

With all of these claimed features lacking in Kim, it is submitted that Kim cannot anticipate claim 18.

Amendment

U.S. Patent Application No. 10/849,526

New independent claim 23 recites at least the following features that are not disclosed by Kim:

A frame having two sections that are hinged together to permit the sections to be folded together;

A pad sized and configured to support the upper torso;

Low friction support means for supporting the lower torso portion;

A foot support platform with its details.

With all of these claimed features lacking in Kim, it is submitted that Kim cannot anticipate claim 23.

New independent claim 2 recites at least the following features that are not disclosed by Kim:

A frame having two sections that are hinged together to permit the sections to be folded together;

A pad sized and configured to support the upper torso;

Low friction support means for supporting the lower torso portion;

A foot support platform with its details.

With all of these claimed features lacking in Kim, it is submitted that Kim cannot anticipate claim 27.

Claims 19 – 22, 24 – 26 and 28 – 31 depend from claims 18, 23 and 27, respectively, and are patentable at least because of that dependency.

Original claims 8 and 9 were rejected under 35 U.S.C. §102(b) as being anticipated by Applicant's patent 5505691 (Fenkell). Claims 8 and 9 have been cancelled. Claims 18 – 31 distinguish over Fenkell for at least the reasons set forth below.

Independent Claims 18, 23 and 27 recite a foot support platform including a T-bar having a stem and a cross member with foot clamps, the stem having a longitudinally extending slot defined therethrough. A threaded bolt secures said T-bar to the platform and is longitudinally slidably within the slot such that the stem of the T-

Amendment

U.S. Patent Application No. 10/849,526

Bar is free to move longitudinally while being restrained from moving transversely away from the platform. This slot arrangement is not present in Fenkell. The Examiner takes the position that Fenkell discloses a slot in the form of a "hole near 122 in fig. 8". It is clear from Fig. 8 and column 4, lines 32 - 45 in Fenkell that the engagement between the threaded bolt and the hole is not intended to, and cannot, permit the T-Bar to move along the length dimension of its stem. This is made amply clear by the fact that the distal end of that stem is hinged to the platform, thereby preventing any such movement.

For at least this reason, therefore, the independent claims now present in the application are not anticipated by Fenkell. Likewise, Fenkell cannot anticipate any of the dependent claims.

Claim Rejections – 35 U.S.C. §103

Claims 1 - 3 stand rejected as being unpatentable over Fenkell in view of Park (6682495).

Claims 4 - 7 stand rejected as being unpatentable over Fenkell/Park and further in view of Checkwood et al (4242969) and Winter et al (6508184).

Claims 10 - 17 stand rejected as being unpatentable over Fenkell and further in view of Checkwood et al (4242969) and Winter et al (6508184).

All of these rejected claims have been cancelled. New independent claims 18, 23 and 27 are patentable over these reference combinations for the same reasons stated above in discussing the deficiencies of the Fenkell patent as an anticipatory reference. That is, none of the secondary references disclose anything that would overcome the stated deficiencies. More particularly, Applicant's claimed T-bar is secured to the platform in a manner that permits the slotted stem to move along its length dimension while sliding relative to the same bolt that prevents the stem from moving transversely away from the platform. The bolt-slot engagements in Fenkell and Winter et al have the distal end of the stem hinged or otherwise pivotally fixed to the

Amendment

U.S. Patent Application No. 10/849,526

platform or other support, thereby precluding the claimed movement capability along the stem length dimension.

Claims 19 – 22, 24 – 26 and 28 – 31 depend from claims 18, 23 and 27, respectively, and are patentable at least because of that dependency.

Conclusion

In view of the foregoing, the Examiner is respectfully requested to find the application to be in condition for allowance with claims 18 - 31. However, if for any reason the Examiner feels that the application is not now in condition for allowance, the Examiner is respectfully requested to call the undersigned attorney to discuss any unresolved issues and to expedite the disposition of the application.

Filed concurrently herewith is a petition for a two month extension of time to respond to the outstanding Office Action, including payment of the petition fee. Applicant hereby petitions for any additional extension of time that may be required to maintain the pendency of this case, and any required fee for such extension is to be charged to Deposit Account No. 05-0460.

Respectfully submitted,



Ira C. Edell
Registration No. 24,119

EDELL, SHAPIRO & FINNAN, LLC
1901 Research Boulevard, Suite 400
Rockville, Maryland 20850-3164
(301) 424-3640
Hand Delivered on: May 13, 2005